



Docket No.: 1466.1084

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kousetsu SAI

Serial No. 10/763,275

Group Art Unit: 2134

Confirmation No. 6491

Filed: January 26, 2004

Examiner: BAYOU, YONAS A

For: SECURITY SYSTEM, INFORMATION MANAGEMENT SYSTEM, ENCRYPTION
SUPPORT SYSTEM, AND COMPUTER PROGRAM PRODUCT

PETITION FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response asserting that the outstanding Office Action mailed August 3, 2007 the finality of the same is improper.

Overview

The Applicant submitted an Amendment filed on July 12, 2007, however, the Examiner failed to substantially address Applicant's traversals. For example, the Office Action fails to address the Applicant's argument that Choo fails to disclose "an encryption rule is stored for each secret level", monitoring "whether or not the encryption of information is performed in accordance with the rule by the information management system on the basis of the process information received from the information management system" as recited in claim 1. Further, the Office Action, mailed August 3, 2007, fails to address the substance of independent claims 9 and 10. Particularly, the Office Action fails to provide an explanation of how Choo discloses the limitation of claims 9 and 10.

Failure to Address Applicant's Traversal in Previous Amendment and Failure to Address the Rejection of Claims 9 and 10

The outstanding final Office Action is improper because the substance of the Applicant's clear traversal in the previous Amendment was not substantially addressed. Following a

traversal, the next Office Action is required to expressly address the substance of the Applicant's arguments, as well as new independent claims 9 and 10. 37 C.F.R. § 1.113(b) states that "[i]n making such final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof." MPEP § 707.07(f) provides that, "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and **answer the substance** of it." According to 37 C.F.R. § 1.104(b), the Examiner's answer must **be complete as to all matters**.

With respect to claims 9 and 10, although the Examiner has included these claims in the rejection under 35 U.S.C. § 102(b) on page 5, there is no explanation in the outstanding Office Action of how Choo discloses the limitations of claims 9 and 10. These claims are merely broadly referred to at the beginning of what appears to be a cut-and-pasted copy of claim 1. The limitations recited in claims 9 and 10 differ from those of claim 1 and therefore must be addressed by the Examiner.

Further, the final Office Action does not address the Applicant's argument that Choo discloses neither that "an encryption rule is stored for *each secret level*" (see pages 8 and 9, of the previous Amendment), nor monitoring "whether or not the encryption of information is performed in accordance with the rule by the information management system on the basis of the *process information* received from the information management system" (see page 9, of the previous Amendment), as recited in claim 1. Thus, the outstanding Office Action fails to meet the requirements of 37 C.F.R. §§ 1.104(b) and 1.113(b), and as such, the finality thereof is improper.

Accordingly, the Applicant respectfully requests withdrawal of the finality of the outstanding.

Conclusion

In light of the above, the outstanding Office Action and the finality thereof are improper. Therefore, it is respectfully requested that the finality of the Action be withdrawn.

Respectfully submitted,

STAAS & HALSEY LLP

Date: January 3, 2008

By: 
Sheetal S. Patel
Registration No. 59,326

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501